Province of British Columbia
Ministry of Attorney General

VICTIM ASSISTANCE PROGRAM

BALANCING THE SCALES FOR VICTIMS OF CRIME

discussion paper

MINISTRY OF ATTORNEY GENERAL
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ATTORNEY GENERAL
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A LETTER TO THE PEOPLE OF BRITISH COLUMBIA

My fellow British Columbians:

There is little doubt that British Columbia is an exceptionally safe place in which to live. We do not need to walk our streets in fear and we know that our police forces are vigilant, trustworthy and reliable.

It is a fact, however, that in 1985 over 226,000 people in B.C. were victims of crime. The vast majority of these crimes were property offences. As your Attorney General, I have long been concerned that the criminal justice system - the police, prosecutors, courts and corrections - has not adequately taken into consideration the needs of the victim in the overall justice process.

I am deeply disturbed when people write or call me to say they couldn't get information about their case from the police, that they had no idea what to expect in court, or they attended court only to find out the case had been adjourned.

A sound democratic society must ensure there is due process and that the rights of accused persons are defined and respected. This has been done in Canada; now the time has come to look to the victim's rights and needs. I want to know that we are doing our best to see that victims get the information, practical assistance and support they need to participate fully in the justice process.

The rest of this document describes what I would like to see my Ministry do to assist victims of crime. I want my Ministry to be able to provide leadership and some of the resources that are necessary to establish a basic level of service to victims throughout the Province. I want to ensure that any person, anywhere in the Province, can call a toll-free number and receive information about what their part in the justice process is, what services are available to assist them, and who they should contact for assistance or further information.

As my Ministry develops and implements its plans, I want to hear from you about your ideas, concerns and suggestions. I realize there are hundreds of you who are already actively involved as volunteers in various victim services as part of police-based programs and community agencies. The kinds of services I think victims are entitled to will only happen if people like yourselves get involved and volunteer their time and expertise. These services ultimately happen because people care and that means we must be partners together in this enterprise. The result will be a justice system which truly dispenses justice to all the parties who come into contact with it.

It is important that as many people as possible are aware of the victim services which will be available, how to use them, and how they can help. To that end the distinguished British Columbia born actor, Mr. Raymond Burr, has kindly volunteered his services to help publicize and promote our Victim Assistance Program.

Because all of you have such an important role to play, I am hoping to travel to several communities this Fall to personally discuss this issue with you. But I urge you to take the time now to write and tell me what you think we should do to help victims of crime and how we might do it.

Yours sincerely,

Brian R.D. Smith
Attorney General

VICTIM ASSISTANCE PROGRAM
BALANCING THE SCALES FOR VICTIMS OF CRIME

A DISCUSSION PAPER ON THE PROVISION OF SERVICES
TO VICTIMS OF CRIME IN BRITISH COLUMBIA

MINISTRY OF ATTORNEY GENERAL
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1. WHAT DO WE MEAN BY "VICTIM SERVICES"?

The phrase Victim Services is used to define a wide range of services designed to help victims of crime deal with the immediate effects of the victimization and then to interact with the justice system in a positive way.

The greatest single need of victims is for information. Information about the progress of their case, what will be required of them if they are witnesses, the status of recovered property, the services that are available to assist them, how they can obtain some recompensation, and so on. They may also need certain kinds of practical assistance - transportation to interviews and court, crime scene clean up, help in filling out forms, etc.

Some victims of particularly traumatic personal injury offences may also require special forms of assistance to help prepare them to use the justice system and to provide personal emotional support and assistance throughout the court process.

2. WHY SHOULD CERTAIN SERVICES TO VICTIMS BE PROVIDED?

"Justice", the primary but often elusive goal of every justice system, cannot be achieved by a system that isn't responsive to the plight of the victim. The effective administration of justice depends in large measure on maintaining a proper balance among the several rights, duties and interests of the victim, the accused and the components and institutions of society.

For the justice system to function effectively, it relies on victims to report crime to the police and to testify in court as witnesses for the Crown. The Ministry recognizes the importance of the victims' role in the justice system and encourages their active participation.

Clearly, there is a vast array of things which could be done to help people who have been victimized. Equally clearly, the justice system itself simply cannot meet all those needs. Its highest priorities must therefore be to ensure that victims' needs, in relation to using the justice system, are provided for, and that they are advised of and referred to other agencies and programs which can help them in other areas (such as counselling).

3. WHAT VICTIMS SERVICES CURRENTLY EXIST?

A wide range of victim service programs is currently available in a number of locations in the Province. The only program which is presently accessible to everyone in the Province is Criminal Injury Compensation. The resources required to support all these programs testifies to the existing partnership of governments (municipal, Provincial, Federal), justice and community agencies, and individual citizens in this whole field.

The following description briefly outlines the major types of currently available justice-related victim services with which this Ministry is involved.

I) CRIMINAL INJURY COMPENSATION:

Victims of crime can apply for compensation for personal injury under the Criminal Injury Compensation Act. The Criminal Injury Compensation program is administered by the Workers' Compensation Board, Criminal Injury Section, located in Richmond. For information about this service, please write 6951 Westminster Highway, Richmond, B.C. V7C 1C6, or call their toll free number at 1-800-972-9972.

II) POLICE-BASED VICTIM/WITNESS SERVICES:

Over the years, many police forces in the province have developed good community policing and crime prevention programs in their local communities. The victim-oriented point of view reflected in these programs has given rise to the development of local programs which provide services specifically intended to address the needs of victims of crime.

Such programs now exist or are being developed in the following communities:

Burnaby
Colwood
Coquitlam/Port Coquitlam
Duncan
Esquimalt
Kamloops
Kelowna
Maple Ridge
Nanaimo
New Westminster
North Vancouver
Oak Bay
Penticton
Port Alberni
Richmond
Saanich
Salt Spring Island
Squamish
Surrey
Vancouver
Victoria & the Western Communities
Williams Lake

Police-based victim/witness services are provided primarily by civilian co-ordinators (both paid and volunteer), assisted by a number of volunteers, who work closely with local police officers. The programs are located in Municipal Police Departments and R.C.M.P. Detachments and much of the funding for them has come from local municipalities. A major strength of these programs is that they are able to provide practical assistance, support, referral and information to victims of all types of crime at the victim's first point of contact with the justice system.

III) **SEXUAL ASSAULT SUPPORT CENTRES:**

Adult victims of sexual assault are currently served by a number of Sexual Assault Centres throughout the Province, including six funded Centres located in Victoria, Duncan, Vancouver, Kamloops, Terrace and Fort St. John. The centres are operated by community agencies and services are provided by paid staff and a large number of dedicated volunteers.

IV) **WIFE ASSAULT AND CHILD SEXUAL ABUSE:**

Over the past two years, particular attention has been given to the development and implementation of new Ministry policy initiatives in the area of wife assault and child sexual abuse. The objective of these policies is to establish police, crown and corrections procedures that reflect a victim-oriented approach to these issues and ensure cases are prosecuted in court where the evidence warrants it.

Support services to wife assault/battered women victims have been made available in the Lower Mainland through funding of the Battered Women's Support Services.

Several communities have developed and supported local programs through community agencies to try and respond to the needs of victims of these crimes.

V) **VICTIM IMPACT STATEMENTS:**

The Criminal Justice Branch has established a policy whereby information about the impact of the crime on the victim is collected by Crown Counsel and introduced in court at the point where a convicted offender is sentenced. Information regarding available victim

services is included with the Victim Impact Statement forms sent out to victims. Corrections Branch policy directs probation officers to contact victims wherever possible and appropriate, and to use the Crown's Victim Impact Statements in preparing reports for the court on offenders so that they include reference to the impact of the crime on the victim.

VI) **VICTIM REPARATION PROGRAMS:**

The Corrections Branch has developed a number of programs which require the offender to make amends to the victim. These might involve monetary compensation, direct service or an apology, depending on the victim's wishes. These programs involve both sentenced and diverted (meaning the case is resolved without going to court) offenders.

4. WHAT WOULD THE MINISTRY LIKE TO DO?

The preceding list illustrates that there is already a solid base of victim services in the Province.

Recognition should be given to the many players in the community and in the various levels of the government who, through their creativity, hard work and progressive policies, have made it possible for current services to exist.

However, much work still needs to be done to establish an adequate level of service to victims of crime. The Victim Assistance Program proposed by the Ministry of Attorney General represents a consolidation of existing and new services involving all parts of the justice system. The Program will attempt to establish a basic level of province-wide direct services to address the needs of victims of crime from initial report of the crime to police, through prosecution of the case in court and the sentencing of convicted offenders.

In developing the overall Victim Assistance Program, the Ministry has been acutely aware of the regional disparity in existing services to victims, and the lack of generally available information that would be of practical assistance to victims. This is why our focus will be to not only enhance and geographically expand many of the types of services previously described, but also to ensure that all British Columbians have access to accurate and useful information.

The following list briefly describes what we think are the highest priorities for the types of services which should be made available:

I) **TOLL FREE VICTIM INFORMATION LINE:**

This line will provide a means for every British Columbian to personally obtain information, advice and assistance. The main features of the line will be to provide good general information to victims and to refer them directly to a relevant victim service in their community. If no such local service is available there, other suggestions and some printed information will be offered.

II) **POLICE-BASED VICTIM/WITNESS SERVICES:**

These programs will provide to victims, right from the report/investigation stage, such services as next-of-kin death or accident notification; progress of case information; referral to other services; forms completion; practical assistance such as crime scene clean up; emotional support; transportation and accompaniment; and revictimization prevention.

III) **WITNESS ASSISTANCE SERVICES:**

These services will ensure that witnesses are properly briefed and prepared about the court process and what will be required of them; advised of when they will be required; given assistance and support through the court process; and linked up to other agencies whose services they might need.

IV) **SPECIALIZED SUPPORT SERVICES:**

These services will ensure that victims of highly traumatic crimes (such as wife assault, sexual assault or child sexual abuse) receive special attention to access and proceed through the justice system. These services include reporting assistance; court process information; accompaniment and support through court; and referral to other agencies and programs if longer term help is required.

V) **VICTIMS REPARATION PROGRAM:**

These programs will provide opportunities for the offender to compensate the victim in some way for the crime. This may involve monetary compensation, direct service to the victim or community service as designated by the victim.

VI) **PROGRAM SUPPORT SERVICES:**

In order to assist and facilitate all the other programs delivering direct services, the Ministry will make available training courses and materials for coordinators and volunteers, procedure manuals, brochures, newsletters, and assistance to design and develop local programs.

In addition to these specific service programs, the Ministry will increase its efforts to develop in its staff an awareness and sensitivity for the victim. It is our intention that concern for the victim always be part of the context in which police, crown counsel and corrections staff do their job.

5. **HOW WILL THESE VICTIM SERVICES BE DELIVERED?**

If the previously described services are to be effectively delivered, they must be linked to existing structures within each community. None of the services will be delivered by government employees. Rather, police, Crown, corrections and community agencies will be provided with funds to contract with organizations or individuals to develop and coordinate these programs. Much of their work will be to recruit, train and support volunteers. It is largely these volunteers who will be able to translate the care and compassion felt for victims into actual helping services.

In view of the limited resources, it is essential that there be no duplication of services and that there is as much integration as possible between different types of services. The decision as to what programs and services should be funded will therefore be made thoughtfully and in consideration of the needs and existing structures of each community. In order to facilitate this process, the Ministry will be visiting 40 communities this summer to assess what specific services are needed and how they can be best provided.

6. WHAT CAN YOU DO?

By now you have probably captured a sense of the challenge and excitement of the whole area of services to victims. You are needed to become part of the partnership which is necessary to meet this challenge.

We ask you to think about this subject and urge you to respond to the Attorney General's request for ideas and suggestions.

We want you to speak to any existing or planned programs in your community to find out more and to see how you can help.

We want you to do your best to avoid being victimized - contact your local police and speak to someone about how you can help prevent being a crime victim.

And should you be victimized, we want to know if you received the information and assistance you felt you needed.

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